

## Department of Transportation

1206.501

when necessary to protect the Government's interest.

### PART 1205—PUBLICIZING CONTRACT ACTIONS

#### Subpart 1205.1—Dissemination of Information

Sec.

1205.101 Methods of disseminating information.

#### Subpart 1205.4—Release of Information

1205.402 General public.

#### Subpart 1205.90—Publicizing Contract Actions for Personal Services Contracting

1205.9000 Applicability. (USCG)

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

#### Subpart 1205.1—Dissemination of Information

##### 1205.101 Methods of disseminating information.

(a)(2)(iii) Contracting officers shall post solicitations expected to exceed \$25,000, if required in OA procedures.

(b) DOT publishes a Procurement Forecast of planned procurements each fiscal year, which is available from the DOT Office of Small and Disadvantaged Business Utilization (S-40), 400 Seventh Street, S.W., Washington, DC, 20590.

[59 FR 40274, Aug. 8, 1994, as amended at 61 FR 50249, Sept. 25, 1996]

#### Subpart 1205.4—Release of Information

##### 1205.402 General public.

It is DOT policy to furnish to the general public, upon request, the following information on proposed contracts and contract awards:

(a) Prior to the opening of sealed bids or the closing date for receipt of proposals, the names of firms invited to submit sealed bids or proposals;

(b) Prior to the opening of sealed bids or the closing date for receipt of proposals, the names of firms which attended pre-proposal or pre-bid conferences, when held;

(c) After the opening of sealed bids, names of firms which submitted bids; and

(d) After contract award, the names of firms which submitted proposals.

Requests for other specific information shall be processed in accordance with the DOT Freedom of Information Act rules and regulations ((TAR) 48 CFR 1224.202).

[59 FR 40274, Aug. 8, 1994]

#### Subpart 1205.90—Publicizing Contract Actions for Personal Services Contracting

##### 1205.9000 Applicability. (USCG)

Contracts awarded by the U.S. Coast Guard using the procedures in (TAR) 48 CFR 1237.104–91 are expressly authorized under Section 1091 of Title 10 U.S.C. as amended by Pub. L. 104–106, DOD Authorization Act, Section 733 for the Coast Guard and are exempt from the requirements of (FAR) 48 CFR part 5.

[64 FR 2436, Jan. 14, 1999]

### PART 1206—COMPETITION REQUIREMENTS

#### Subpart 1206.5—Competition Advocates

Sec.

1206.501 Requirement.

#### Subpart 1206.90—Competition Requirements for Personal Services Contracting

1206.9000 Applicability. (USCG)

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

#### Subpart 1206.5—Competition Advocates

##### 1206.501 Requirement.

The DOT Senior Competition Advocate (SCA) is located in the Office of the Assistant Secretary for Administration. Correspondence may be sent directly to M–60.

[59 FR 40274, Aug. 8, 1994]

1206.9000

**Subpart 1206.90—Competition Requirements for Personal Services Contracting**

**1206.9000 Applicability. (USCG)**

Contracts awarded by the U.S. Coast Guard using the procedures in (TAR) 48 CFR 1237.104–91 are expressly authorized under section 1091 of Title 10 U.S.C. as amended by Pub. L. 104–106, DOD Authorization Act, section 733 for the Coast Guard and are exempt from the competition requirements of (FAR) 48 CFR part 6.

[64 FR 2436, Jan. 14, 1999]

**PART 1207—ACQUISITION PLANNING**

**Subpart 1207.3—Contractor Versus Government Performance**

Sec.

1207.302 General.

1207.307 Appeals.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

**Subpart 1207.3—Contractor Versus Government Performance**

**1207.302 General.**

Procedures for DOT's implementation of OMB Circular A–76, Performance of Commercial Activities, and (FAR) 48 CFR 7.3 are found in DOT Order 4400.2 series, Performance of Commercial Activities.

[59 FR 40275, Aug. 8, 1994]

**1207.307 Appeals.**

DOT appeal procedures for informal administrative review of initial cost-comparison results are contained in DOT Order 4400.2 series.

[59 FR 40275, Aug. 8, 1994]

**PART 1209—CONTRACTOR QUALIFICATIONS**

**Subpart 1209.4—Debarment, Suspension, and Ineligibility**

Sec.

1209.408–70 Denial of funds.

48 CFR Ch. 12 (10–1–02 Edition)

**Subpart 1209.5—Organizational Conflicts of Interest**

1209.507 Solicitation provisions.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40275, Aug. 8, 1994, unless otherwise noted.

**Subpart 1209.4—Debarment, Suspension, and Ineligibility**

**1209.408–70 Denial of funds.**

(a) In accordance with Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103–337) and Section 206 of the Coast Guard Authorization Act of 1996 (Pub. L. 104–324), no funds available under appropriations acts for any fiscal year for DOT may (with respect to recruiting) be provided by contract to any institution of higher education that has a policy or practice, regardless of when implemented, that either prohibits or in effect prevents the Secretary of Defense from obtaining for military recruiting purposes:

(1) Entry to campuses or access to students on campuses; or

(2) Access to directory information on students.

(b) Directory information means the student's name, address, telephone listing, date and place of birth, level of education, academic major, degrees received, and the most recent educational institution in which the student was enrolled.

(c) Students referred to in paragraph (a)(1) of this section are individuals who are 17 years of age or older and are enrolled at a covered school.

(d) Covered school means an institution of higher education, or a subelement of an institution of higher education.

[62 FR 67751, Dec. 30, 1997]

**Subpart 1209.5—Organizational Conflicts of Interest**

1209.507 Solicitation provisions.

The contracting officer may insert the provision at (TAR) 48 CFR 1252.209–70, “Disclosure of Conflicts of Interest”